

## REMARKS

This amendment is submitted in response to the Office Action dated July 15, 2003. Allowance of the sole rejected claims is requested.

In this Office Action, claims 1-13 and 15-20 were indicated to all contain allowable subject matter.

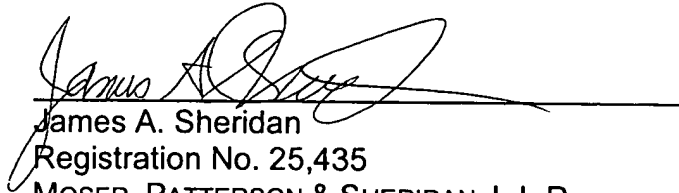
The Oath/Declaration was said to be defective because the signature of William Herz is missing. The undersigned is currently attempting to contact Mr. Herz to get his signature on the Declaration. Mr. Herz is no longer employed by the assignee of this company. However, immediately upon receiving his signed Declaration we will submit it. Therefore, the request for the signed Declaration is respectfully asked to be held in abeyance pending allowability of all pending claims.

In the office action, claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Shaver, Jr. et al. (US 5,276,662). This rejection is respectfully traversed. In explaining the rejection of claim 14, the Examiner alleges only that the processor means of Shaver is coupled to the code memory and the read/write controller and comprises a program for managing memory segments wherein the memory segments are sized on data rate parameters. However, in making this rejection, the Examiner has considered only the literal language of the claim. The Examiner has not acknowledged the meaning of 35 U.S.C. 112 with respect to means plus function claims. According to these standards, if the law of means plus function claim interpretation is properly invoked, as it has been in this case, then the claim is to be read on the embodiments taught in the specification and insubstantial variations thereof. Thus in the present application, which is intended to deal with environments where accesses include interleaved sequential accesses, the objective is to minimize the maximum number of seeks required for a fixed amount of interleaved sequential data accesses to allow the

device associated with the disk drive to handle more streams or streams of higher data rates. Thus the environment in which the solution is applied is one in which the drive manages the locality of all data, one in which the host informs the drive of the number of threads and provides indications of which data accesses are for which threads and the drive adjusts segment sizes within its capabilities to minimize the number of seeks required in a particular frame of time. Such an approach is not taught or suggested by the Shaver reference.

Therefore, reconsideration of claim 14 along with all the other claims is respectfully requested.

Respectfully submitted,



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